

**BOARD OF ADJUSTMENT  
NOTICE OF DECISION**

Date: June 13, 2013

File No.: VAR2013 0014

Sealaska Heritage Institute  
One Sealaska Plaza STE 301  
Juneau, AK 99801

Application For: Variance for deletion of canopy requirements along Shattuck Way.  
Legal Description: Tidelands Addition Block 78 Lot 1A  
Property Address: 113 S Seward Street  
Parcel Code No.: 1-C07-0-K78-001-1  
Hearing Date: May 28, 2013

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 23, 2013, and based on additional information provided at the hearing modified criterion 1, as shown below:

1. The applicant suggests that the variance request is consistent with other properties in the area because the requirement for canopies in the MU district is a relatively new requirement. To a certain extent this is accurate because there is very little opportunity for new development in this area of town and therefore no new canopies have been required for new construction since its adoption. The relaxation would provide substantial relief to the owner of the property because they would be spared the cost of installing a canopy along 87 feet of the Shattuck Way façade, but they will provide 230.75 feet of canopy on the building, including 35 feet on Shattuck Way.
2. The intent of Title 49 is to ensure that growth and development is in accord with the values of Juneau residents, and to secure the beneficial impacts of growth while minimizing the negative impacts. For the practical reasons listed above, the width and use of Shattuck Way makes the imposition of additional covered canopy impractical. The Deputy Fire Marshal states that Shattuck Way is not a primary road on which they operate on; it still serves as a fire apparatus access road, which serves multiple buildings within the downtown corridor for firefighting operations. An additional concern with any canopy construction is the effects that be created in the event of a fire. As heat and flames rise, a canopy can contain and spread fire to nearby combustible construction, regardless if the canopy is itself made of combustible or non-combustible construction. A fire within reach of Shattuck Way has a potential for loss of life, property and have a substantial financial impact for downtown businesses as well as local tourism. The Fire Department is generally opposed to any canopy construction that extends past the curb or penetrates the horizontal and vertical dimensions of a fire apparatus road.
- 5(C). The unique physical features of the property are three street frontages which renders compliance with the standards unreasonably expensive. The building will have 230.75 feet of canopy on South Seward Street, Front Street and 35 feet of Shattuck Way.

6. Currently the site is unused. Redeveloping the area will add vitality to the neighborhood.

The Commission approved the Variance to be conducted as described in the project description and project drawings submitted with the application.

Attachment: May 23, 2013, memorandum from Beth McKibben, Community Development, to the CBJ Board of Adjustment regarding VAR2013 0014.

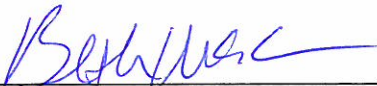
This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Board, June 11, 2013.


Expiration Date: The permit will expire 18 months after the effective date, or December 11, 2014 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

  
Beth McKibben, Planner  
Community Development Department

  
Michael Satre, Chair  
Planning Commission

  
Filed With City Clerk  
  
Deputy Clerk

  
Date

cc: Plan Review

**NOTE:** The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.